

REMARKS

This application pertains to a novel pressure sensitive adhesive composition which has an at least two phase domain structure.

Claims 1-14 are pending, although claims 7-12 and 14 have been withdrawn from consideration as drawn to non-elected subject matter. The claims under examination are therefore claims 1-6 and 13.

It is respectfully requested that upon the allowance of one or more claims drawn to elected subject matter the non-elected claims be rejoined.

Claims 1-6 and 13 stand provisionally rejected for obviousness type double patenting over claims 1, 2 and 11 of copending application Serial No. 10/077,658.

It is respectfully requested that this provisional double patenting rejection be held in abeyance until such time as it can be determined which application shall issue first. At that time, Applicants will consider an appropriate terminal disclaimer.

Claims 1-6 and 13 stand rejected under 35 USC 103(a) as obvious over JP 11199832 or Pakusch et al (US Patent 6,552,116).

Applicants' claims are drawn to a pressure-sensitive adhesive composition...which has an at least two-phase domain structure, and a defined low outgassing level. Applicants compositions are exemplified e.g. by block copolymers of

the P(A)-P(B)-P(A) structure (claim 2). The structure therefore comprises distinct blocks, and is characterized by an at least two-phase domain structure.

The Examiner contends that JP'832 teaches that in the first step a methacrylic acid alkyl ester is polymerizing, and that those skilled in the art would consider that a monoethylenically unsaturated monomer is polymerizing in a separate phase from the polymerization of a (meth)acrylic ester monomer. The Examiner refers to a two-phase polymerization process.

If one would look at Example 1 of the JP '832 reference (see US 6,299,975; the US counterpart), one will see that a premix of the reactive monomers was prepared, then reacted to form a syrup. The a cross-linking agent was added and the composition was applied to a film and photopolymerized. No person skilled in the art would conceive of this as being a two-phase reaction. More important, however, those skilled in the art would recognize that the end-product produced by this process is not an at least two-phase domain structure. This structure is not a block copolymer.

The product produced by the JP '832 reference does not even remotely resemble Applicants' at least two-phase domain structure product.

JP '832 clearly cannot possibly render Applicants' claims obvious.

Pakusch, on the other hand, has nothing to do with a pressure-sensitive adhesive. The fact that a paint adheres to the surface it is applied to does not make it a

pressure-sensitive adhesive. A pressure-sensitive adhesive adheres to the surface (i.e., a base film or support) to which it is applied, and also will adhere to something that is brought into contact with the side of the pressure sensitive adhesive opposite that which is adhered to the base film or support. A paint does not have this property. No person skilled in the art would ever call a paint a pressure-sensitive adhesive. Pakusch has nothing to do with pressure-sensitive adhesives, and does not in any way render Applicants' pressure-sensitive adhesive obvious.

The rejection of claims 1-6 and 13 under 35 USC 103(a) as obvious over JP 11199832 or Pakusch US Patent 6,552,116 should accordingly now be withdrawn.

Claims 1-6 and 13 stand rejected under 35 USC 103(a) as obvious over Pakusch in view of Haak US Patent 6,126,865.

The differences between Applicants' invention and the disclosure of the Pakusch reference are discussed above. The Examiner sees Haak as disclosing a two-phase domain pressure-sensitive adhesive. Here again, however, the Examiner will note that in the Examples, all of the reactive monomers are formed into a premix and polymerized to form a syrup. A photoinitiator is added, the syrup is then applied to a surface and the polymerization completed. The end product is clearly not a block copolymer, and does not have a two-phase domain structure.

Nothing in Haak could ever change Pakusch's paint to a pressure-sensitive adhesive!

The rejection of claims 1-6 and 13 under 35 USC 103(a) as obvious over Pakusch in view of Haak should now be withdrawn

In view of the present amendments and remarks, it is believed that claims 1 - 14 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested, and the allowance thereof is courteously solicited. Should the Examiner not deem the present amendment and remarks to place the instant claims in condition for allowance, it is respectfully requested that this Amendment Under Rule 116 be entered for the purpose of placing the prosecution record in better condition for appeal.

Upon the allowance of elected subject matter, it is respectfully requested that the claim drawn to non-elected subject matter be rejoined.

CONDITIONAL PETITION FOR EXTENSION OF TIME


If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

Additional Fee

Please charge any insufficiency of fee or credit any excess to Deposit Account

No. 14-1263.

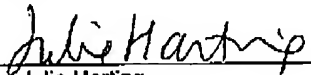
Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, PA

By 
William C. Gerstenzang
Reg. No. 27,552

WCG/tmh

220 East 42nd Street - 30th Floor
New York, New York 10017
(212) 808-0700

I hereby certify that this correspondence is being transmitted via facsimile, no. 703-872-9306 to the United States Patent and Trademark Office, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 20, 2004.

By 
Julie Harting
Date May 20, 2004